

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

RAMON ARMAS BORROTO, JR.,

Plaintiff,

vs.

Case No. 5:04cv165-RH/WCS

**OFFICER L. McDONALD,
OFFICER H.A. PATE,
SERGEANT McKENZIE,
and NURSE DONNA KENT,**

Defendants.

_____ /

ORDER

After the denial of Defendants' summary judgment motion in this prisoner civil rights action, see doc. 79, an order was entered on September 28, 2006, giving the parties an opportunity to demonstrate the need for further discovery prior to proceeding to trial.¹ Doc. 80. The deadline for responding to that motion was October 31, 2006. *Id.* Both Plaintiff, doc. 82, and Defendants, doc. 81, filed motions for further discovery and the deadline for serving responses to the discovery requests was December 6, 2006. Doc. 83.

¹ Plaintiff's amended complaint, doc. 19, includes a demand for a jury trial.

On December 11, 2006, the *pro se* Plaintiff filed another motion to conduct additional discovery. Doc. 85. In particular, Plaintiff sought to take Depositions of Defendants McDonald, Pate, McKenzie, and Kent. *Id.* Plaintiff also wanted permission to serve Interrogatories on the Defendants. *Id.* Plaintiff provided his proposed Interrogatories, and they have been filed as document 86.

This request for discovery comes too late and is after the deadline established. Moreover, Plaintiff has not demonstrated that he can pay for the depositions. Because Plaintiff is not entitled to free discovery, and because conducting depositions are expensive, this request is denied. Furthermore, the Interrogatories seek information which, by and large, is either known by Plaintiff or was covered in the special report process. See docs. 62, 68. Plaintiff has not demonstrated that any of the Interrogatories are necessary for Plaintiff to present his case at trial. Therefore, the request for additional discovery and request that Defendants respond to the Interrogatories is denied. Defendants need not respond to Plaintiff's most recent discovery requests. Docs. 85, 86.

Finally, Defendants have filed a motion seeking an additional twenty days to respond to Plaintiff's previously granted discovery requests. Doc. 84. The motion is reasonable and there is no apparent prejudice in granting this request. Defendants shall produce the discovery on or before **January 4, 2007**.

Accordingly, it is **ORDERED**:

1. Plaintiff's motions for additional discovery, docs. 85 and 86, are **DENIED**.
2. Defendants' motion for enlargement of time, doc. 84, is **GRANTED**.

3. Defendants shall respond to Plaintiff's request for the production of documents pursuant to FED. R. CIV. P. 34 on or before **January 4, 2007**.

4. The Clerk shall return this file to the undersigned upon the deadline for Defendants to conduct the two depositions, or no later than January 12, 2007.

DONE AND ORDERED on December 18, 2006.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE